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9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12
13 OSCAR ULISES MARTINEZ, as Guardian of
FRANCIA-CASTILLO,

14
15 Plaintiff,

16 vs.

17 KOSTADIN STOYKOV KARAFEZIEV,
individually; BULEX SERVICE
18 CORPORATION, an Illinois Corporation;
FORWARD AIR, INC., a Tennessee
19 Corporation; FAF, INC., a Tennessee
Corporation; FORWARD AIR
20 CORPORATION; a Tennessee Corporation;
21 DOES I through V, inclusive; and ROE
CORPORATIONS I through V inclusive,
22

23 Defendants.

24
25 **AND RELATED CASES**

CASE NO. 2:12-cv-00569-RFB-GWF

Consolidated with:
Case No.: 2:13-cv-01798-GMN-VCF

26 **JOINT MOTION TO EXTEND**
27 **DISCOVERY**

28 **(Fourth Request)**

CHARLES WOTHERSPOON; KOSTADIN STOYKOV KARAFEZIEV and BULEX
SERVICE CORPORATION; and FORWARD AIR, INC., FORWARD AIR CORPORATION,

1 AND FAF, INC. by and through their respective attorneys of record, pursuant to F.R.C.P. 29(b), file
2 this joint motion to extend discovery 120 days. In addition, it is anticipated that OSCAR ULISES
3 MARTINEZ, as Guardian of FRANCIA-CASTILLO will join this motion.

4 Per Federal Rules of Civil Procedure 16(b), and Local Rule 26-4 the following is included in
5 support of the proposed 90 day extension to the Discovery Schedule:

- 6 1. Local Rule 26-4(a) Statement: See Exhibit A.
- 7 2. Local Rule 26-4(b) Statement: See Exhibit B.
- 8 3. Local Rule 26-4(c) Statement: The parties are requesting this extension for six primary
9 reasons:
 - 10 1) Plaintiffs have recently amended their complaint to name new defendants, FAF, Inc. and
11 Forward Air Corporation. Those companies have recently answered the complaint and
12 discovery will be conducted with respect to their involvement in the subject accident.
 - 13 2) Mr. Wotherspoon has recently answered Forward Air, Inc.'s discovery and Forward Air, Inc.
14 has subpoenas out for his medical records and other damages documents. After those
15 records are received; experts will be designated and his deposition will be taken.
 - 16 3) NLVPD Officer Jim Byrne's (the investigating officer) deposition has had to be set and reset
17 on three separate occasions. On May 2, 2013, his deposition was started, however, he could
18 not produce the NVLPD file for the accident. The reason he could not produce the file was
19 that Mr. Karafeziev was under prosecution and pursuant to directions from the North Las
20 Vegas City Attorney, he could not release the file. On October 6, 2014, the deposition was
21 re-set and cancelled. The reason it was cancelled was that Officer Byrne was dispatched to a
22 fatality motor vehicle accident just prior to the start of the deposition. On December 18,
23 2014, the deposition was taken and Officer Byrne advised that more documents from his file
24 had not been produced. Thus, the deposition will need to be taken again.
 - 25 4) Pita Lualemaga's deposition was originally set for July 13, 2014. That deposition was started
26 and aborted after Mr. Lualemaga advised that he needed a translator. The deposition was
27 completed on November 12, 2014.

5) On August 22, 2014, the deposition of Bulex FRCP 30(b)(6) witness was taken. Because the deposition was not completed, it was reset and completed on November 21, 2014.

6) On December 4, 2014, the deposition of Synergy Laboratories was noticed. The FRCP 30(b)(6) witness did not appear. Counsel for Forward Air Inc has contacted the lab and this deposition is being reset for either January or February, 2015.

Based on the above, the parties move to extend discovery 120 days in order to complete the remaining discovery.

The parties recognize that the deadline for extending the initial expert disclosure deadline was Friday December 19, 2015. However, the parties respectfully submit that because of conflicts with other cases and the confusion surrounding the holidays; this brief four day delay is the result of excusable neglect.

4. Discovery Dates.

a. Close of Discovery. Discovery shall be completed no later than Tuesday, July 7, 2015.

b. Motion to Amend/Add Parties. The last day to amend Pleadings/add parties shall be Wednesday, April 8, 2015.

c. Federal Rules of Civil Procedure 26(a) Disclosures (Experts). The last day to disclose experts will be Friday, May 8, 2015. The last day to disclose rebuttal experts will be Friday, June 5, 2015.

d. Interim Status Report. The parties shall file an interim status report required by Local Rule 26-3 by Friday, May 8, 2015.

August 6, 2015

e. Dispositive Motions. The parties shall have until Thursday, ~~August 6, 2013~~ to file any dispositive motions.

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f. Pre-trial Order. The pre-trial order shall be filed by Friday, September 4, 2015 which is not more than 30 days after the date set for filing dispositive motions. This deadline is suspended if dispositive motions are timely filed. The disclosures required by Federal Rules of Civil Procedure 26(a)(3) shall be made in the joint pre-trial order.

Dated this _____ day of _____, 2014.

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Dated this 24th day of December, 2014.

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Dated this 24th day of December, 2014.

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Dated this 24th day of December, 2014.

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Attorneys for Charles Wotherspoon

IT IS SO ORDERED.

George Foley Jr.

GEORGE FOLEY, JR.

United States Magistrate Judge

Dated: January 7, 2015